

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ MAY 09 2005 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

IFECHUKWUDE ELIKWU,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE OFFICER JOHN
LUIZZI (Shield no. 6123, of the 73rd Precinct),

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

CV 04 4868 (JBW)(MDG)

Defendants.

X

WHEREAS, plaintiff commenced this action by filing a complaint on or about November 9, 2004; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the remaining issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff Ifechukwude Elikwu Twelve Thousand Five Hundred Dollars (\$12,500.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the named defendants herein, and to release all defendants and any present or former employees or agents of the City of New York or

[Signature]

any agency thereof, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to the defendants' attorneys all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraph "2" above and Affidavits of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York and New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

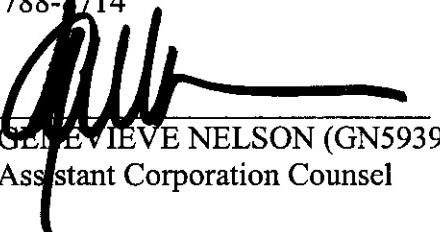
Dated: New York, New York
5/31, 2005

CARDINALE and MARINELLI
Attorneys for Plaintiff
26 Court Street
Brooklyn, New York 11242
(718) 624-9391

By: 

Richard Cardinale
(RC8507)

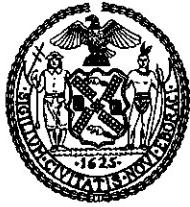
MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, 3-221
New York, New York 10007
(212) 788-8714

By: 
GENEVIEVE NELSON (GN5939)
Assistant Corporation Counsel

SO ORDERED:

s/Jack B. Weinstein
U.S.D.M.

5/5/5



THE CITY OF NEW YORK
LAW DEPARTMENT

MICHAEL A. CARDODOZ
Corporation Counsel

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May 3, 2005

BY HAND

Honorable Jack B. Weinstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

A handwritten checkmark or signature mark.

Re: Ifechukwude Elikwu v. City of New York, et al.
CV 04 4868 (JBW)(MDG)

Your Honor:

I represent the defendants in the above-referenced matter. The parties in this action have reached a settlement agreement. Enclosed please find the executed original Stipulation and Order of Settlement and Dismissal for Your Honor's signature and filing.

Thank you for your consideration.

Respectfully,

A handwritten signature of Genevieve Nelson.
Genevieve Nelson (GN5939)
Assistant Corporation Counsel

Encl.

cc: Cardinale & Marinelli (by mail w/ encl.)